IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 7914 OF 2005

DATE OF DECISION: SEPTEMBER 11, 2006

Parties Name

Gurinderjit Singh

..PETITIONER

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. Raj Kumar Garg,
Advocate, for the petitioner.

Mr. B.S.Sewak, D.A.G., Punjab;

JASBIR SINGH, J. (oral)

JUDGMENT:

Petitioner is an Ex-Sarpanch of the village. During his tenure as such, he had constructed two passages. His term came to an end in the month of June, 2003. Thereafter, he was elected as Panch of the village. It was allegation against him that he had got constructed two passages, which actually fall in the adjoining village and not in the village, for which grant was sanctioned. It is an admitted fact that there is no charge of embezzlement against the petitioner. On the basis of complaint, received against him, enquiry was conducted by the Divisional Deputy Director, Rural Development and Panchayat, at Jalandhar, who exonerated him from the charges, as referred to above. On the basis of enquiry report, a communication was also sent to the petitioner informing him that the complaint against him has been filed. It is an admitted fact that against the

enquiry report Annexure P-2 and communication Annexure P-3, no higher officer than the Deputy Director, referred to above, has shown any difference of opinion. No further enquiry was ordered by any of the higher officers. It appears that the above said Deputy Director, of his own, sent another report, on the basis of which petitioner was suspended. He went in appeal against his suspension, which was set aside, however, it was ordered that the enquiry will continue. This Court feels that in view of the fact that earlier an enquiry was conducted, the petitioner was found innocent and that enquiry report was not commented upon by any of the higher officers, the second enquiry on the basis of same allegations is nothing but sheer harassment to the person concerned. It is not disputed that in the second enquiry, the charges are same. Furthermore, there is no allegation of embezzlement against the petitioner. It is only allegation that he had constructed the passages, which actually fall in the adjoining village. Counsel for the petitioner has stated that those passages actually meant for residents of the village of which he was the Sarpanch, though they were residing in the adjoining village.

In view of the facts, mentioned above, this writ petition is allowed and the respondents are restrained from conducting the second enquiry against the petitioner.

( Jasbir Singh )
Judge

( Pritam Pal )
Judge

September 11, 2006.
DKC